

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 22-mj-8281-RMM

UNITED STATES OF AMERICA

v.

AMILCAR NOE
ZELAYA-ALMENDAREZ,

Defendant.

FILED BY SP D.C.

Jul 15, 2022

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - West Palm Beach

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia Valle)? Yes ✓ No
2. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shanick Maynard)? Yes ✓ No
3. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? Yes ✓ No

Respectfully submitted,

JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY

BY: 

MARTON GYIRES
ASSISTANT UNITED STATES ATTORNEY

District Court No. A5501696
500 South Australian Avenue, Suite 400
West Palm Beach, Florida 33401

Tel: (561) 820-8711

Fax: (561) 820-8777

Email: Marton.Gyires@usdoj.gov

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America
v.
Amilcar Noe Zelaya-Almendarez

Case No. 22-mj-8281-RMM

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 14, 2022 in the county of Palm Beach in the
Southern District of Florida, the defendant(s) violated:

Code Section

Offense Description

Title 8, United States Code, Section
1326(a)

Previously removed alien found in the United States

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Complainant's signature

Andy Korzen, HSI TFO

Printed name and title

Sworn to before me and signed in my presence.

Date:

7/15/22

Judge's signature

City and state:

West Palm Beach, Florida

Ryon M. McCabe, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT
OF
ANDY KORZEN
UNITED STATES DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT**

I, Andy Korzen, being duly sworn, depose and state as follows:

1. I am a Task Force Officer (TFO) with the Homeland Security Investigations (HSI), and I am also Deportation Officer with the Immigration and Customs Enforcement and have been so employed for over nineteen years. I am currently assigned to the HSI, West Palm Beach, Florida. My duties and responsibilities include enforcing criminal and administrative immigration laws of the United States. I have also conducted and participated in investigations of this nature.

2. This affidavit is based upon my own knowledge as well as information provided to me by other law enforcement officers. This affidavit does not set forth every fact known to me regarding the investigation but only those facts necessary to establish probable cause to believe that Amilcar Noe ZELAYA-ALMENDAREZ committed the offense of being a previously removed alien found in the United States, in violation of Title 8, United States Code, Section 1326(a).

3. On or about July 14, 2022, Amilcar Noe ZELAYA-ALMENDAREZ was arrested in Palm Beach County, Florida for the offenses of trespassing and failure to appear in two other previous criminal cases. He was booked and detained at the Palm Beach County Jail.

4. A review of the immigration records show that Amilcar Noe ZELAYA-ALMENDAREZ is a native and citizen of Honduras. Records further show that on or about June 7, 2015, Amilcar Noe ZELAYA-ALMENDAREZ was ordered removed. The

Order of Removal was executed on or about June 12, 2015, whereby Amilcar Noe ZELAYA-ALMENDAREZ was removed from the United States and returned to Honduras.

5. Thereafter, Amilcar Noe ZELAYA-ALMENDAREZ re-entered the United States illegally and on or about December 23, 2015, was removed and returned to Honduras for the second time.

6. Amilcar Noe ZELAYA-ALMENDAREZ's fingerprints taken in connection with his July 14, 2022, arrest in Palm Beach County were scanned into the IAFIS system. Results confirmed that scanned fingerprints belong to the individual who was previously removed from the United States, that is Amilcar Noe ZELAYA-ALMENDAREZ.

7. A record check was performed in the Computer Linked Application Informational Management System to determine if Amilcar Noe ZELAYA-ALMENDAREZ filed an application for permission to reapply for admission into the United States after deportation or removal. After a search was performed in that database system, no record was found to exist indicating that Amilcar Noe ZELAYA-ALMENDAREZ obtained consent from the Attorney General of the United States or from the Secretary of Homeland Security, for re-admission into the United States as required by law.

8. Based on the foregoing, I submit that probable cause exists to believe that, on or about July 14, 2022, Amilcar Noe ZELAYA-ALMENDAREZ, an alien who has previously been deported and removed from the United States, was found in the United States without having received the express consent from the Attorney General or the

Secretary of the Department of Homeland Security for re-admission into the United States, in violation of Title 8, United States Code, Section 1326(a).



Andy Korzen
Task Force Officer
Homeland Security Investigations

Sworn and Attested to me by Applicant by Telephone (Facetime) pursuant to Fed. R. Crim. P. 4(d) and 4.1 this 15 day of July 2022.



RYON M. McCABE
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

PENALTY SHEET

Defendants: Amilcar Noe ZELAYA-ALMENDAREZ

Case number: 22-mj-8281-RMM

Count 1

Previously removed alien found in the United States, in violation of Title 8, United States Code, section 1326(a)

Maximum Penalties:

Maximum of two years' imprisonment

Supervised release of up to one year

Fine of up to \$250,000

\$100 Special Assessment